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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,211	01/02/2002	Susie L. Carter	SCI001	9003
28848	7590	03/02/2004	EXAMINER	
TOPE-MCKAY & ASSOCIATES 23852 PACIFIC COAST HIGHWAY #311 MALIBU, CA 90265			PHAN, THANH S	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,211

Applicant(s)

CARTER ET AL.

Examiner

Thanh S Phan

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-11 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Tolan-Samilow [US 5,365,496].

Regarding claim 1, Tolan-Samilow discloses an event timer [figure 3] for cumulatively adapting timing intervals to the timing need of a particular event type in response to user input [column 4, lines 9-17]; an input including at least one button [6] coupled with the adaptive timer; and an output [2] connected with the adaptable timer for signaling the expiration of a timing interval [column 3, lines 3-7].

Regarding claims 2, 7 and 15, Tolan-Samilow discloses the event timer being used for potty training [column 2, lines 60-61].

Regarding claims 3 and 10-11, Tolan-Samilow discloses the event timer being a watch [figure 3].

Regarding claims 8 and 9, Tolan-Samilow discloses the event device dividing a period of time into partitions [column 2, lines 19-32].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2841

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7, 12-14, 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tolan-Samilow in view Sandidge [US 6,340,242].

Regarding claims 4, 12, 21, and 28, Tolan-Samilow discloses the claimed invention except for the output of the event timer comprising a plurality of motion lights that strobe on and off in a predetermine order in response to the expiration of a timing interval.

Sandidge discloses a wristwatch alarm triggering a plurality of lights [26] in response to the expiration of a timing interval.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a plurality of lights on the watch of Tolan-Samilow, as suggested by Sandidge, for the purpose of providing visual indication of the alarm.

The specific type of lights used would have been an obvious design consideration based on the urgency of the alarm.

Regarding claims 5, 13, 22 and 29, Tolan-Samilow discloses a speaker sounding in response to the expiration of a timing interval [column 4, lines 52-53].

Regarding claims 6, 14, 23-24, and 30-31, Tolan-Samilow discloses the use of input module [23] to provide interchangeable sounds for output through the speaker.

Regarding claims 16, 25-27, Tolan-Samilow discloses the claimed invention except for the specific time period and time length of the partitions.

The specific time period and partition time lengths would have been an obvious design consideration based on the specific application of the event timer.

Regarding claims 17-20, Tolan-Samilow discloses the time interval being weighted by the occurrences of the events [column 3, lines 19-37].

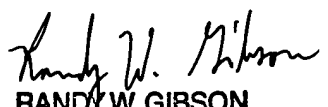
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rackley [US 5,400,301]; Backner [US 5,157,640]; Kanor et al. [US 6,384,728]; Wiltort [US 6,259,655]; Reiner et al. [US 5,691,932].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RANDY W. GIBSON
PRIMARY EXAMINER

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